

## **REMARKS**

Claims 4-6, 13-15, 22-24, and 28-32 were rejected in the above-identified final Office Action. In response, Applicant has amended claims 4, 5, 13-15, 22, 23, 29, and 31, and has added claims 33-37. No new matter has been added. Also, no claims were cancelled.

### **Claim Rejections - 35 USC §102**

1. On page 2 item 2 of the above-identified final Office Action, the Examiner rejects claims 4, 5, 13, 14, 22, 23, and 28-32 under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 5,010,401 issued to *Murakami et al.* (hereinafter "Murakami"). Applicants respectfully disagree

As amended, claim 4 recites a method comprising:

"acquiring a compression time associated with compressing a video frame of raw video image data using a processor; and

determining, by the system, whether the processor is limited in its ability to compress video image data based on whether a difference between the compression time and a target frame period exceeds a threshold amount, to facilitate adjusting of a target frame rate based at least in part on the compress time."

In support for the rejection of claim 4, the Examiner cites a block encoding circuit as reading on the processor of claim 4, and cites other constituent elements of Figure 21 of Murakami as reading on the system implementing the method of claim 4. Figure 21 illustrates an encoding section of an interframe encoding/decoding apparatus, and is discussed at length in column 15, line 59 through column 16, line 60. As discussed therein, the block encoding circuit encodes interframe differential block data, a block decoding circuit reproduces the interframe differential block data from the encoded data, and a differential amplitude suppression circuit suppresses an amplitude value of the

reproduced data non-linearly. As further discussed, the interframe differential block data is subjected to motion detection using a motion detection threshold to determine motion information. The threshold value is also used by the amplitude suppression circuit to suppress amplitude values of the reproduced data.

Even assuming for the sake of argument that the block encoding circuit is capable of reading on the processor of claim 4, nothing in Murakami discusses acquiring a compression time associated with compressing video image data using a processor/encoding circuit. While Murakami teaches such operations as determining motion information and suppressing amplitude values, none of these operations would be equated by one of skill in the art with acquiring a compress time, as recited in amended claim 4

It further follows that Murakami fails to teach “determining, by the system, whether the processor is limited in its ability to compress video image data based on whether a difference between the compression time and a target frame period exceeds a threshold amount”, as recited in amended claim 4. While Murakami does teach comparing data to a motion detection threshold, that threshold is incapable of reading on the threshold of amended claim 4, as the threshold of claim 4 is inherently a measure of time, not motion. Also, the comparison to the motion detection threshold is not disclosed as being used to determine whether a processor is limited.

§102 rejections require that the cited reference teach the claimed invention in as complete of detail as is claimed. As remarked above, Murakami simply does not disclose receiving or calculating a compress time, or “determining, by the system, whether the processor is limited in its ability to compress video image data based on whether a difference between the compress time and a target frame period exceeds a threshold amount, the determining to facilitate adjusting of a target frame rate based on the compress time.” Accordingly, claim 4 is patentable over Murakami under §102.

Claims 13 and 22 recite limitations similar to those of claim 4, directed to an article and a system of claim 4, respectively. Thus, claims 13 and 22 are patentable over Murakami for at least the same reasons as claim 4.

Claims 5, 14, 23, and 28-32 depend on claims 4, 13, and 22, incorporating their limitations. Accordingly, claims 5, 14, 23, and 28-32 are patentable over Murakami for at least the same reasons.

2. On page 3 item 3 of the above-identified final Office Action, the Examiner rejects claims 4-6, 13-15, 22-24, and 28-32 under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,188,792 issued to *Chujoh et al.* (hereinafter “Chujoh”). Applicants respectfully disagree.

Amended claim 4 is cited above. Claim 4 recites, *inter alia*, “acquiring a compression time associated with compressing a video frame of raw video image data using a processor.”

In support for the rejection of claim 4, the Examiner cites col. 14, lines 9-26 of Chujoh as disclosing a determination of whether a processor is limited in its ability to compress video image data “based on whether a difference between the compression time and a target frame period exceeds a threshold amount.” That portion and the remaining passages of Chujoh teach that, for frames in a non-encoded mode (i.e., when there is *no compression* occurring), no refresh needs to be performed for a macro block found to be stationary over a calculated number of frames in the past (col. 14, lines 22-26).

Applicants respectfully submit that these teachings of Chujoh having nothing to do with acquiring a compression time. Chujoh simply teaches a method for calculating/determining whether a frame includes an error. Such determinations bare no inherent relationship to acquiring a compression time.

§102 rejections require that the cited reference teach the claimed invention in as complete of detail as is claimed. As remarked above, Chujoh simply does not disclose “acquiring a compression time associated with compressing a video frame of raw video image data using a processor.” Accordingly, claim 4 is patentable over Chujoh under §102.

Claims 13 and 22 recite limitations similar to those of claim 4, directed to an article and a system of claim 4, respectively. Thus, claims 13 and 22 are patentable over Chujoh for at least the same reasons as claim 4.

Claims 5, 6, 14, 15, 23, 24, and 28-32 depend on claims 4, 13, and 22, incorporating their limitations. Accordingly, claims 5, 6, 14, 15, 23, 24, and 28-32 are patentable over Chujoh for at least the same reasons.

### **Conclusion**

Applicant submits that claims 4-6, 13-15, 22-24, and 28-37 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
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